



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 03, 2012

TED L O NEAL
WATER DISTRICT 73
11 ONEAL LN
MAY, ID 83253

RE: Application for Transfer 77689
Water Right Number(s) 73-2A , 73-190

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 3, 2012

ROBERT WHITWORTH
HC 62 BOX 2290
MAY, ID 83253

RE: Transfer No. 77689
Water Right No(s). 73-2A, 73-190

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the CHALLIS MESSENGER on January 12 and 19, 2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Tuesday, January 03, 2012 3:48 PM
To: 'ameans@challismessenger. com (ameans@challismessenger.com)'
Subject: Legal Notice for your paper
Attachments: Challis Messenger E-Mail.doc

Contacts: Challis Messenger

Please send affidavit and bill no later than January 30, 2012.

Thank you.

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77689

ROBERT WHITWORTH, HC 62 BOX 2290, MAY, ID 83253 has filed Application No. 77689 for changes to the following water rights within CUSTER County(s): Right No(s). 73-2A, 73-190; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the point of diversion and to change the place of use. The points of diversion are in the SESESW Sec 13 T14N R21E (Sulphur Creek) and the SWNENW Sec 17 T14N R22E (Pahsimeroi River) for 6.8 cfs. The place of use is within Sec 12 T14N R21E and Sec 7 and 18 T14N R22E for 336 acres.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before January 30, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on January 12 and 19, 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

December 16, 2011

Gary Spackman
Interim Director

Maureen Betscher
HC 62 BOX 2290
MAY, ID 83253

Dear Maureen:

It was a pleasure speaking with you on the telephone the other day. As we discussed, I am forwarding you an amended transfer application (enclosed).

The purpose of this application is to;

1. Change the Point of Diversion on 73-2A to the existing pipeline, and
2. Correct and combine the place of use for both water rights.

Please take a moment to look over the application. If everything meets your approval please sign and return.

If you have any questions, please feel free to let me know.

Thank you,

A handwritten signature in black ink, appearing to read 'Kerrie Mathews'.

Kerrie Mathews

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Monday, December 12, 2011 10:53 AM
To: 'rbrown@spfwater.com'
Subject: Whitworth transfer

Good Morning;

I am currently working on the transfer submitted for Robert Whitworth. I have a couple of questions I was hoping that you might be able to answer.

1. Since 73-2A & 73-190 are overlapped, in order to move water under 73-2A, I must also dry up acreage and move water under 73-190 (21 acres).. You had mentioned that you plan on sending in a transfer on 73-190 are you moving the water on this one to the same acreage as 73-2A? When do you plan on sending in this transfer?
 - a. Also if the intent is to combine the place of use for both rights, it would be simpler to process one transfer to move the POU for both, then another transfer to change the POD for 73-2A.
2. In section 12 NESW & SESW, there are acres being irrigated with a circle located on the Whitworth Property, yet there is no POU listed for this area. The property is owned by Ben Yates, do the Whitworth's have a lease with Mr. Yates and should the POU be changed to cover these acres or do the Whitworth's plan on drying up this acreage? *Install Pivotstop to not irrigate other property.*

If you could let me know I would appreciate it..

Thank you,

Kerrie A Mathews
Water Resources Agent
Idaho Department of Water Resources
208.525.7161

"No culture can live, if it attempts to be exclusive."
-Mahatma Gandhi